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MANAGEMENT COUNCIL NEWSLETTER

U. S. Department of Agriculture

A summary of significant events of interest to USDA management

Issue #86
November 13, 1978

MANAGEMENT COUNCIL CONFERENCE.....The Management Council will meet in New Orleans on November 29, 30 and December 1. The major topics of discussion will be the National Finance Center and the Civil Service Reform Act of 1978. Secretary Bergland is scheduled to visit the NFC on November 30 and is planning to meet with the Council at that time. (Contact: Jack Sprague, FmHA, ext. 77015)

REGULATION WRITING AND EDITING COURSE.....Secretary's Memorandum 1955 assigns the Office of Governmental and Public Affairs the responsibility to work with agencies of the Department to develop plans to improve regulation writing. GPA, with the assistance of the Graduate School, is now offering a course specifically designed for USDA personnel involved in regulation writing and editing.

This will be a pioneering course and appears to be the first in government to offer regulation writing for a single department.

The course consisting of 7 three-hour sessions will be held between November 21-December 12, and will meet in room 509-A.

The estimated cost of the course is \$100. An AD-281 must be submitted to GPA for each nominee. (Contact: Claude Gifford, GPA, ext. 78005)

ALCOHOL AND DRUG ABUSE.....The USDA Alcohol and Drug Abuse Program has been recognized as one of the most successful programs of this type in the Federal Government.

As an integral part of this program, the Graduate School, in cooperation with the Office of Safety and Health Management, offered a course on Alcohol and Drug Abuse at the Work Site as covered in the October Management Council Newsletter. The response to this course was so overwhelming that not all applicants could be accommodated.

The Graduate School will therefore reoffer this course in January for supervisors and other personnel interested in the recognition and early detection of the problem drinker and drug abuser. The topics to be covered include the pharmacology of alcohol, commonly abused drugs and the various treatment modalities of alcohol and drug abuse.

The tuition charge of \$50 covers all course material. Nomination forms are available at the Graduate School. (Contact: Archie Hunt, OSHM, ext. 73893)

CASH MANAGEMENT.....The Accounting Systems and Grants Management Division (AS&GMD) of O&F is continuing to follow-up on the recommendations of the USDA Cash Management Review. A draft incorporating the Government-wide cash management regulation (Chapter 8000, Treasury Fiscal Requirements Manual) into the Departmental Administration Regulations is now in the hands of Departmental agencies for comment. The AS&GMD is also working with the FmHA and the Treasury Department to establish designated depositories to be used for FmHA county office collections. Emphasis will be placed on minority banks in establishing these depositories. As a result of the agency cash management initiatives during this past year, the Office of Management and Budget reduced a USDA administrative budget cut from \$55 million to \$50 million for fiscal year 1979.

The Assistant Secretary for Administration will be a guest speaker at the First Annual Government Cash Management Conference to be held at the Mayflower Hotel December 12-14. The topic will be "Cash Management Performance and Incentive Standards". (Contact: Bill Fuchs, O&F, ext. 72727)

SMOKING IN GSA CONTROLLED BUILDINGS AND FACILITIES.....The Public Buildings Service of GSA has issued a proposed regulation that would prohibit smoking in certain areas of buildings controlled by GSA. The intent of this regulation is to provide a reasonably smoke-free environment in selected areas for those working and visiting in the buildings. In addition, government agencies will be encouraged to develop guidelines for internal use and for taking administrative action when violations of these regulations occur.

Under existing regulations, smoking is now prohibited in conference rooms, auditoriums, classrooms, elevators, shuttle vehicles, and hazardous areas. In libraries, smoking is prohibited except for designated areas. The new regulations will authorize an employee occupying a private office to declare that office a "non-smoking" area.

"No smoking" areas will be required in cafeterias and the size of the areas designated will be based on an estimate of the number of smoking and non-smoking patrons. The proposed regulations provide for establishing "no smoking" work areas in open work spaces so that employees desiring "no smoking" areas can be accommodated where feasible. "Smoking" and "no smoking" areas will also be required, wherever possible, in medical clinics and health units.

O&F MEETINGS WITH AGENCIES.....The Acting Director, O&F, is in the process of holding meetings with Agency Heads to discuss O&F support for program operations. These meetings will be completed by the end of December. (Contact: John E. Carson, O&F, ext. 78345)

MERIT PROMOTION PLAN AMENDMENT.....The USDA Merit Promotion Plan has been amended to comply with the FY 1978 EEO Plan action item regarding panel membership. This amendment states that "It is required that to the extent feasible, all merit promotion panels will have ethnic, race, and sex balance." (Contact: Bill Parent, OP, ext. 78721)

EXECUTIVE SUMMARY OF CIVIL SERVICE REFORM ACT OF 1978

TITLE I MERIT SYSTEM PRINCIPLES

States merit principles to govern all Federal merit systems. Defines prohibited personnel practices to prevent improper use of merit systems.

TITLE II CIVIL SERVICE FUNCTIONS; PERFORMANCE APPRAISAL; ADVERSE ACTIONS

Further prescribes organization and functions of Office of Personnel Management, Merit Systems Protection Board, and Special Counsel. Office of Personnel Management has role of positive personnel management. Merit Systems Protection Board decides employee appeals and acts against abuses of merit systems. Special Counsel investigates and prosecutes prohibited personnel practices.

Allows Office of Personnel Management to delegate most personnel authorities to agencies subject to OPM supervision, including functions formerly restricted to Civil Service Commission.

Defines legitimate "whistle blowing" - lawful disclosures of violations of laws and regulations, mismanagement, gross waste, abuse of authority, and dangers to public health or safety. Provides means to investigate and resolve whistleblower complaints and to protect whistleblowers from reprisal, through Special Counsel.

Abolishes existing Government-wide performance evaluation system. Agencies to set up new systems that specify performance requirements and tie personnel actions more closely to individual performance. Provides special procedures for removals and demotions for unacceptable performance.

Redefines adverse actions to exclude reductions in rank.

Permits appeals of adverse actions to MSPB or under a negotiated agreement to an independent arbitrator. (Title VII)

Burden of proof in appeals is on the agency, but the standard for overturning agency actions against employees for unacceptable performance is less stringent than the present standard and is less stringent than for misconduct cases. Performance removals are related to specific failures to meet performance standards rather than to the more general issue of "efficiency of the service". Allows payment of employee's attorney fees at discretion of MSPB if warranted in interest of justice, including cases of prohibited personnel practices by agency or cases in which agency's action was without merit. Provides a procedure for deciding appeals that include discrimination issues where both MSPB and the EEOC have an interest in case determination.

TITLE III STAFFING

Changes certain aspects of the system for examining and selecting employees. Establishes a probationary period for new supervisors or managers. Allows retraining of employees who would otherwise be separated by reduction in force. Early retirement authority for employees affected by a reduction in force has been extended to those employees affected when a major reorganization or transfer of functions takes place in their agency. Provides additional benefits for disabled (30% or more) veterans in appointments and retention. Eliminates preference for non-disabled veterans who retired at or above rank of major or equivalent. Sets a limit on dual pay (civilian and military) for all retired members of uniformed services. Provides for civil service employment information through the U.S. Employment Service, a minority recruitment program in each agency, and a temporary limit on total Executive Branch employment. Authorizes employment of student volunteers without pay.

TITLE IV SENIOR EXECUTIVE SERVICE

Establishes a Senior Executive Service which will provide greater flexibility for managing the Government's executive workforce. Includes managers and supervisors, Grades GS-16 through Executive Level IV. Bases compensation and retention on individual and organizational performance. Provides for setting and adjusting the size of the Senior Executive Service and the mix of career and non-career jobs within it. About 45% of the SES positions must be career reserved; no more than 10% of all SES positions may be filled on a non-career basis; no more than 25% non-career in a single agency (some exceptions). Establishes at least five pay levels for executives set by the President. Annual performance pay of up to 20% may be paid to up to 50% of the SES (career members only). President may designate 5% of Senior Executive Service each year as Meritorious, with a stipend of \$10,000; 1% as Distinguished, with a stipend of \$20,000. Permits granting sabbaticals of eleven months, that can be made available to an executive once in ten years. Those removed from SES for inadequate performance are guaranteed either GS-15 position (or equivalent) without loss in salary or can take early retirement.

TITLE V MERIT PAY AND CASH AWARDS

Provides a merit pay system for supervisors and managers at grades GS-13 through GS-15. Ties merit pay increases to individual and organizational performance and not length of service. Agencies develop plans to award merit increases. Managers guaranteed at least 50% of annual pay comparability adjustment. Full coverage of managers GS-13/15 in all affected agencies by October 1, 1981. Also provides both agency and Presidential cash awards for suggestions and accomplishments up to \$25,000.

TITLE VI RESEARCH, DEMONSTRATION, AND OTHER PROGRAMS

Authorizes Office of Personnel Management to conduct and support personnel management research and to carry out up to 10 demonstration projects at any one time. Amends the Intergovernmental Personnel Act by expanding the interjurisdictional personnel mobility program. Authorizes all Federal agencies to adopt the Merit System Standards as a personnel requirement for grants to State and local governments and abolishes a variety of statutory personnel requirements related to grant-in-aid programs.

TITLE VII LABOR-MANAGEMENT RELATIONS

States the functions of the independent Federal Labor Relations Authority. Modestly expands scope of bargaining, including covering many statutory appeals by the negotiated grievance procedure. Grants unions free check-off automatically, but employees are free to authorize or not authorize check-off. Authorizes official time for employees in negotiations to the same extent management negotiators are. Agencies such as OPM, General Services Administration, and State Department, which issue Government-wide regulations affecting personnel will have to consult with unions before making substantive changes.

FLRA, MSPB and arbitrators may award back pay and attorney fees under standards set by the Act. On issues of negotiability, agency head will have 30 days to render a decision. Limited judicial review of final orders of FLRA will be available for the first time. Employees will have a right to union representation when examined by management representatives in investigations where the employee reasonably expects disciplinary action may result. The General Counsel of FLRA may prosecute unfair labor practices.

TITLE VIII GRADE AND PAY RETENTION

Provides for saving grade and pay for employees who would lose grade or salary because of reduction in force or reclassification. Grade would be saved for two years, followed by indefinite pay retention during which employee will receive one half of general increases until the pay schedule catches up.

TITLE IX MISCELLANEOUS

Provides for the effective date of the Act - 90 days after enactment, except where it is otherwise expressly stated.

FLEXITIME ACT.....The Federal employees Flexible and Compressed Work Schedule Act permitting flexible work hours, or "flexitime", in the Federal Government has been signed by the President. The Act suspends previous laws regarding overtime pay for any time worked over 8 hours a day or 40 hours a week and provides for experiments in this area including the idea of four 10 hour-day work weeks and other variations not permitted by the previous law.

Under the Act, the Office of Personnel Management must study and evaluate experiments in Federal agencies of varying size, location, and function to determine the effects of flexitime on government operations, service to the public, use of mass transit facilities, energy consumption, employment opportunities, and impact on individuals and families. At the end of three years, the Office of Personnel Management will recommend to the President and Congress any changes desirable to permit permanent use of flexible and compressed work schedules.

EMPLOYMENT HIRING LIMITATIONS.....The President's employment hiring limitation has been implemented in the Department and policies and procedural guidance have been issued in Secretary's Memorandum No. 1963 and OBPE Notice-111. The National Finance Center has been requested to provide supplemental information regarding permanent full time accessions and hires each month at the time of distribution of the SF 113-A Employment Report. Appeals for exception to the hiring limitation will be reviewed by the Program Budget Review Board with the Board recommending appropriate action to the Secretary. (Contact: Bob Sherman, OBPE, ext. 76176)

1980 BUDGET ESTIMATES.....OMB has completed their review of the 1980 budget requests. Agencies will receive the Presidential allowances for the 1980 budget about the 15th of November. Budget allowances for Food and Nutrition Service and P.L. 480 programs will be received later in the month. (Contact: Bob Sherman, OBPE, ext. 76176)

OFFICE OF PERSONNEL MANAGEMENT TO TAKE PRODUCTIVITY LEAD.....Testifying before the House Subcommittee on Economic Stabilization, CSC Chairman Alan K. Campbell said the new Office of Personnel Management would assume the leadership role in improving productivity in Federal programs and services. He indicated OPM would focus on strengthening management capability by encouraging the use of new concepts and techniques for improved management; helping agencies design their own systems to improve individual and organization performance; and providing more comprehensive technical assistance to agencies.

Chairman Campbell pointed out that with its strong service orientation and high labor intensity, the Federal sector must rely heavily on its employees and on good managers for productivity improvements. He stressed that management is practiced not only at the top--it ranges from the cabinet level down through layers of officials to the first line supervisors who head small units. (Administrators Alert, CSC)

U.S. Department of Agriculture
1979 Combined Federal Campaign

Contributors Report
Through November 3, 1978
(Includes All Confidential Gifts)

<u>AGENCY</u>	<u>AGENCY GOAL</u>	<u>NUMBER OF PFT EMPLOYEES</u>	<u>NUMBER OF CONTRIBUTORS</u>	<u>PERCENT CONTRIBUTING</u>	<u>DOLLARS CONTRIBUTED</u>	<u>PERCENT OF GOAL</u>
AMS	\$ 26,700	627	567	90%	\$ 27,945.92	105%
APHIS	28,000	550	319	58	16,383.92	59
ASCS	30,200	573	486	85	29,557.62	98
ESCS	64,300	1,239	1,025	83	60,314.06	94
FAS	21,955	446	411	92	23,850.77	109
FCIC	2,200	47	37	79	2,766.50	126
FGIS	8,300	229	232	101	8,866.79	107
FMHA	20,800	387	354	91	18,818.50	90
FNS	30,500	748	539	72	27,851.45	91
FS	46,300	794	628	79	38,916.17	84
FSQS	34,800	760	570	75	25,269.76	73
GPA	7,800	194	111	57	6,026.50	77
MGMT STAFF	600	11	15	136	1,176.50	196
OALJ	800	13	16	123	1,204.75	151
OBPE	4,600	79	63	80	4,543.00	99
OEO	2,600	50	34	68	1,315.55	51
O&F	17,200	455	424	93	15,370.30	89
OGC	10,400	179	80	45	6,158.60	59
OGSM	5,800	100	97	97	5,530.50	95
OICD	4,900	93	101	109	6,947.50	142
OIG	11,400	217	178	82	8,747.75	77
OP	4,600	93	71	76	5,127.50	111
OSHM	500	10	11	110	575.00	115
REA	28,200	546	460	84	24,160.22	86
SCS	27,500	604	461	76	25,154.94	91
SEA	107,800	2,609	1,258	48	76,520.90	71
SEC	6,000	87	64	74	4,535.04	76
WFAOSB	800	13	16	123	1,104.00	138
AFCU	400	28	36	129	566.00	142
GRAD SCH	600	43	35	81	1,943.03	324
TOTAL	\$555,555	11,824	8,699	74%	\$477,259.04	86%

MINORITY BUSINESS ENTERPRISE..... Preliminary data shows a substantial increase in contract awards to minority firms during FY 1978. Awards totaling \$19.6 million were reported by USDA agencies. The 8(a) program accounted for \$9.9 million and competitive awards totaled \$9.7 million. These figures represent 51 percent of the Department's 1978-1979 goal of \$38.1 million in contract awards to minority business. Specific accomplishments by agency are being tabulated and will be reported at a later date. (Contact: Paul J. McCloskey, OEO, ext. 77921)